

### **REMARKS**

Claims 35 and 37-49 are in the case. Independent claims 35 and 43 are currently amended. Support for the amendments is found, e.g., at page 4, lines 7-14 of the Specification. No new matter has been introduced.

Regarding Applicants' information disclosure statement (IDS) filed October 7, 2005, the Examiner states that reference "AH", Dawson et al., U.S. Patent No. 5,802,656, has already been cited by the Applicants in a prior IDS. Applicants agree that the reference was cited in the IDS filed October 24, 2003. Applicants note that the Examiner considered the reference on November 16, 2004. In addition, the Examiner states that in the IDS filed October 7, 2005, the Applicants cited EP0857026B1, but submitted EP0587026. Applicants submit that the cited reference (EP0857026B1) was the intended reference. Therefore, Applicants are submitting EP0857026B1 with this response, and ask that it be considered by the Examiner.

Claims 43-46 have been rejected as being anticipated by Brown et al., Published U.S. Patent Application No. 2004/0177462 ("Brown"), as evidenced by Kott, U.S. Patent No. 3,196,299 ("Kott"); and Claims 43 and 46 have been rejected as being anticipated by Braun et al., U.S. Patent No. 6,553,604 ("Braun"), as evidenced by Kott. Claim 43 is independent in form, and claims 44-46 each depend from claim 43.

As amended, independent claim 43 features a head for a power toothbrush that includes, in pertinent part, a support member configured for releasable attachment to a power toothbrush, the support member including a lower portion constructed to be *rotationally oscillated*, and a top surface having an elongated shape that is oval, elliptical or rounded diamond. A plurality of elastomeric fins are pivotably mounted in and extend from the support member, and each elastomeric fin has a textured surface.

Brown's disclosure is directed to a manual toothbrush. Brown does not disclose or even suggest a head for a power toothbrush that includes a support member that includes a lower portion constructed to be *rotationally oscillated*, as amended claim 43 requires. Kott's disclosure is directed to a *vibrating* electric toothbrush. Kott does not disclose or even suggest a support member that includes a lower portion constructed to be *rotationally oscillated*.

Applicants respectfully submit that claim 43 is novel over Brown, as evidenced by Kott, for at least these reasons. Claims 44-46 are each novel over Brown, as evidenced by Kott, for at least the reason that they depend from a novel base claim. Applicants respectfully request that the rejection of claims 43-46 over Brown, as evidenced by Kott, be withdrawn.

Braun's disclosure is also directed to a manual toothbrush. Braun does not disclose or even suggest a head for a power toothbrush that includes a support member that includes a lower portion constructed to be *rotationally oscillated*, as amended claim 43 requires. Applicants respectfully submit that claim 43 is novel over Braun, as evidenced by Kott, for at least these reasons, and that claim 46 is novel over the combination for at least the reason that it depends from a novel base claim. Applicants respectfully request that the rejection of claims 43 and 46 over Braun, as evidenced by Kott, be withdrawn.

Claims 35 and 39 have been rejected as being obvious over Kott in view of Braun. Claim 35 is independent in form and claim 39 depends from claim 35.

As amended, independent claim 35 features a power toothbrush that includes, in pertinent part, a head that includes a support member that includes a lower portion constructed to be *rotationally oscillated*, and a top surface having an elongated shape that is oval, elliptical or rounded diamond. A plurality of elastomeric fins are pivotably mounted in and extend from the support member, and each elastomeric fin has a textured surface.

As described above, Kott's disclosure is directed to a *vibrating* electric toothbrush and Braun's disclosure is directed to a manual toothbrush. Modifying Kott's brush with the manual brush head of Braun would, at most, give a *vibrating* version of the Braun brush, but would not give a power toothbrush that includes a support member that includes a lower portion constructed to be *rotationally oscillated*. Accordingly, Kott in view of Braun does not render obvious independent claim 35. Claim 39 is also non-obvious over the combination for at least the reason that claim 39 depends from a non-obvious base claim. Applicants respectfully request that the rejection of claims 35 and 39 over Kott in view of Braun be withdrawn.

Claim 38 has been rejected as being obvious over Kott in view of Braun as applied to claim 35, and further in view of Hudson et al., U.S. Patent No. 5,881,425 ("Hudson").

Claim 38 depends from claim 35, the pertinent limitations of which have been described above. It has been established that claim 35 is not rendered obvious by the combination Kott and Braun. Hudson describes a manual toothbrush, and does not disclose or even suggest a head that includes a support member that includes a lower portion constructed to be *rotationally oscillated*, as amended claim 35 requires. Thus, claim 38 is non-obvious over Kott, Braun and Hudson for at least the reason that claim 35 depends from a non-obvious base claim. Applicants respectfully request that this rejection withdrawn.

Claims 35 and 37-39 have been rejected as being obvious over Kott in view of Halm, U.S. Patent No. 5,813,079 ("Halm"), and further in view of Shipp, U.S. Patent No. 5,604,951 ("Shipp").

Claims 37-39 each depend from claim 35, the pertinent limitations of which have been described above. Kott's vibrating brush has been described above. Halm and Shipp each describe a manual toothbrush. Neither reference discloses or even suggests a head that includes a support member that includes a lower portion constructed to be *rotationally oscillated*, as amended claim 35 requires. Accordingly, the combination of Kott, Halm and Shipp does not render obvious independent claim 35. In addition, claims 37-39 are non-obvious over the combination for at least the reason that each claim depends from a non-obvious base claim. Applicants respectfully request that the rejection of claims 35 and 37-39 over Kott in view of Halm and Shipp be withdrawn.

Claims 40-42 have been rejected as being obvious over Kott and Braun as applied to claim 35, and further view of Kressner et al., U.S. Patent No. 6,021,538 ("Kressner").

Claims 40-42 each depend from claim 35, the pertinent limitations of which have been described above. It has been established that the combination of Kott and Braun do not render obvious independent claim 35. Kressner discloses an electric brush head that is circular in top view, and that includes only bristles. Kressner does not disclose or even suggest a brush head that includes a support member that includes a lower portion constructed to be rotationally oscillated, and a top surface having an elongated shape that is oval, elliptical or rounded diamond. Furthermore, Kressner does not disclose or even suggest a plurality of elastomeric

fins which are pivotably mounted in and extend from the support member. Accordingly, the combination of Kott, Braun and Kressner does not render obvious independent claim 35. Claims 40-42 are non-obvious over the combination for at least the reason that each claim depends from a non-obvious base claim. Applicants respectfully request that the rejection of claims 40-42 over Kott, Braun and Kressner be withdrawn.

Claims 47-49 have been rejected as being obvious over Braun as applied to claim 43, in view of Kressner.

Claims 47-49 each depend from claim 43, the pertinent limitations of which have been described above. It has been established that neither Braun nor Kressner discloses or suggest a support member that is configured for releasable attachment to a power toothbrush, the support member including a lower portion constructed to be *rotationally oscillated*, and a top surface having an elongated shape that is oval, elliptical or rounded diamond, as amended claim 43 requires. Therefore, claims 47-49 are non-obvious over the combination for at least the reason that each claim depends from a non-obvious base claim. Applicants respectfully request that the rejection of claims 47-49 over Braun and Kressner be withdrawn.

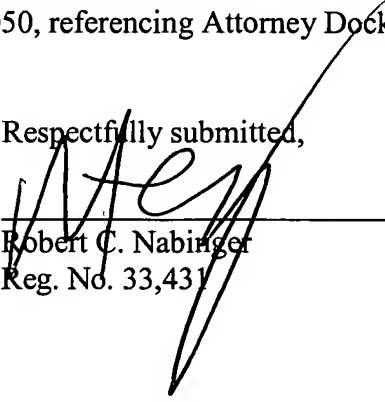
Applicants respectfully submit that all pending claims are in condition for allowance. A Notice of Allowance is requested.

Enclosed is a \$120.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00216-616001.

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Respectfully submitted,

  
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